UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,276	01/18/2002	Charles J. Lewis	1855-002A	3264

9629 7590 11/29/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP	ELISCA, PIERRE E	
1111 PENNSYLVANIA AVENUE NW		
WASHINGTON, DC 20004	ART UNIT	PAPER NUMBER
	3621	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		10/053,276	LEWIS, CHARLES J.
		Examiner	Art Unit
		Pierre E. Elisca	3621

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 September 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to Applicant's amendment filed on 09/07/2005.

2.   Claims 1-22 are pending.

3.   The rejection to claims 1-3, 5, 6, 19, 20 and 22 under 35 U.S.C 102 (e) as being

anticipated by Pearson, and to claims 4, 7-18 and 21 under 35 U.S.C 103 (a) as being

unpatentable over Pearson as set forth in the office action mailed on 06/07/2005 is

maintained.

Claim Rejections - 35 USC ₃ 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
>
> United States before the invention thereof by the applicant for patent, or on an international application
>
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371₈ of this title
>
> before the invention thereof by the applicant for patent.

5.   Claims 1-3, 5, 6, 19, 20 and 22 are rejected under 35 U.S.C. 102 (e) as being

anticipated by Pearson (U.S. Pat. No. 6,023,684).

As per claims 1-3, 5, 6, 19, 20 and 22, Pearson discloses a three tier financial

transaction system includes a client interface, an application service, a host interface,

and a local data memory or database (which is readable as Applicant's claimed

invention wherein said a computer-executable of processing financial information

substantially in real time), comprising:

receiving incoming stochastic data records from any of a plurality of disparate systems

relating to any of (I) financial transactions, (ii) financial instruments, (iii) financial

institutions, (iV) customers, and (v) financial transaction counterparties **(this limitation**

is disclosed by Pearson in the abstract, specifically wherein it is stated that the

client interface communicates data messages between a client program and the

financial transaction, and also col 4, lines 4 and 5);

converting the incoming stochastic data records into a common data format

substantially in real time **(this limitation is disclosed by Pearson in the abstract,**

lines 6-9, specifically wherein it is stated that the client interface converts client

requests to a format compatible with the application service so the application

service may process client requests from client programs, and also in col 4, lines

44-50);

consolidating the converted stochastic data records by storing the data records on a

consolidated database in conformance with a predefined industry standard **(this**

limitation is disclosed by Pearson in the abstract, lines 13-23, specifically wherein

it is stated that the data in the local memory is then used by the application

service for processing client requests during the local session. Response data

generated by the application service is provided to the client interface for

presentation to the client program....., and also in col 3, lines 33-47, col 4, lines

19-43, please note that the predefined industry standard is seen to read as the transformation data format after conversion);

receiving data inquiries from at least one of : (I) customers, (ii) financial institution representatives, and (iii) financial transaction counterparties, requesting information from the consolidated database **(this limitation is disclosed by Pearson in the abstract, lines 6-9, specifically wherein it is stated that the client interface converts client requests to a format compatible with the application service....., please note that in this process financial transaction is receiving compatible data format from the client, and the client is also receiving the requested data from the (local data memory and database) in real time, see, col 3, lines 33-40, col 4, lines 19-43) ; and**

in response to a received data inquiry, providing real time access to the requested information from the consolidated database (this limitation is disclosed by Pearson **in the abstract, lines 6-9, specifically wherein it is stated that the client interface converts client requests to a format compatible with the application service....., please note that in this process financial transaction is receiving compatible data format from the client, and the client is also receiving the requested data from the (local data memory and database) in real time, see, col 3, lines 33-40, col 4, lines 19-43. Furthermore, the local memory is supporting real time customer interaction, specifically wherein it is stated that this structure permits a user's information to be stored in a data structure that does not suffer the response time delays normally encountered in legacy databases, see., col 4, lines 33-35, and col**

3, lines 33-35). Moreover, the client interface of Pearson is capable to convert inputs in accordance with one or more business rules or financial format or rules that deriving from financial transaction or institution or market data record. He also discloses the step of updating record see., col 4, lines 19-43.

Claim Rejections - 35 USC ᴣ 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   **Claims 4, 7-18 and 21 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pearson (U.S. Pat. No. 6,023,684).**

As per claim 4, 8, 10, 12-14, 16 and 17 Pearson substantially discloses the claimed limitation as stated in claim 1 above, including real time transaction see., col 4, lines 19-43.

It is noted that Pearson does not explicitly detail the feature of providing reports on a regular, scheduled, recurring, or periodic of claim 4.

Providing reports on a regular, scheduled, recurring, or periodic basis in the system of **Pearson** would have been obvious to one of ordinary skill in the art in order to facilitate customers to keep track and specify of all financial transactions.

As per claim 7, Pearson discloses the claimed limitation as stated in claim 1 above, including a time series index and a search index which is seen to read as a real time or time delays see., col 4, lines 19-43 .

It is noted that Pearson does not explicitly detail the feature of incoming stochastic data are receiving regarding at least one of financial transaction position changes, financial transaction lots and cash balances, and cost bases for each of a plurality of transaction positions and lots.

Providing incoming data regarding financial transaction changes, financial lots and cash balances and cost bases in the financial transaction of Pearson would have been obvious to one of ordinary skill in the art in order to facilitate customers to have a specific information about the product or lots and the cost of the product based upon the current price market value.

As per claim 9, Pearson substantially discloses the claimed limitation as stated in claim 7 above.

It is noted that Pearson does not explicitly detail the feature of calculating currency and market gain/loss of claim 9.

Calculating currency and market gain/loss in the financial transaction of Pearson would have been obvious to one of ordinary skill in the art in order to facilitate customers to have a specific price information about a product based upon the current price market value.

As per claim 11, Pearson substantially discloses the claimed limitation as stated in claim 7 above.

It is noted that Pearson does not explicitly detail the feature of performing amortization and accretion.

Performing amortization and accretions in the financial transaction of Pearson would have been obvious to one of ordinary skill in the art in order to facilitate customers to set money aside for the purpose of proportionating and accumulating share of a premium between the purchase date and the maturity date.

As per claim 15, Pearson discloses the claimed limitation as stated in claim 7 above, including updating consolidated database see., col 4, lines 26-43

It is noted that Pearson does not explicitly detail the feature of pertaining to settled and forecast financial transactions, financial instruments, customers, counterparties, employees, organizational units, market change, and financial institutions.

Pertaining to settled and forecast financial transactions, financial instruments, customers, counterparties, employees, organizational units, and financial institutions in the financial transaction of Pearson would have been obvious to one of ordinary skill in the art in order to facilitate customers to keep track and predict of all financial transactions.

 As per claim 18, Pearson discloses the claimed limitation as stated in claim 1

above, including updating consolidated database see., col 4, lines 26-43

It is noted that **Pearson** does not explicitly detail the feature of settling and forecast

financial transactions, financial instruments, customers, counterparties, employees,

organizational units, market change, and financial institutions.

Settling and forecast financial transactions, financial instruments, customers,

counterparties, employees, organizational units, and financial institutions in the financial

transaction of **Pearson** would have been obvious to one of ordinary skill in the art in

order to facilitate customers to keep track and predict of all financial transactions.

 As per claim 21, Pearson discloses the claimed limitation as stated in claim 2

above, including market data information server that processes messages that contain

data records from any of a plurality of disparate market data source which is seen to

read as wherein said the client interface (converts or processes) client requests to a

format compatible with the application service... see., abstract.

It is noted that **Pearson** does not explicitly detail the feature of deriving from an

incoming financial transaction, market data record, and/or customer/counterparty

update record s.

Deriving from an incoming financial transaction on a trade data and settlement data

accrual accounting basis in the financial transaction of **Pearson** would have been

obvious to one of ordinary skill in the art in order to facilitate customers to have a

specific information about the product or lots and the cost of the product on a trade

based upon the current price market value.

RESPONSE TO ARGUMENTS

8.   Applicant's arguments filed on 09/07/2005 have been fully considered but they

are not persuasive.

REMARKS

9.   In response to Applicant's arguments, Applicant argues that the prior art of

record (Pearson) fails to disclose the recited feature:

A. " consolidating the converted stochastic data records by storing the data records on a

consolidated database". As discussed in the previous rejection and hereby incorporated

by reference, the cited reference (Pearson) discloses this limitation in the abstract, lines

13-23, specifically wherein it is stated that the data in the local memory is then used by

the application service for processing client requests during the local session. Response

data generated by the application service is provided to the client interface for

presentation to the client program....., and also in col 3, lines 33-47, col 4, lines 19-43,

please note that the predefined industry standard is seen to read as the transformation

data format after conversion.

B. " Applicant also argues that Pearson does not indicate that a financial computer

system may receive incoming stochastic data records from any of a plurality of

disparate systems to any of: financial transaction, financial instruments, financial

institutions, customers, and counterparties". However the Examiner respectfully disagrees with this assertion since Pearson discloses this limitation in the abstract, specifically wherein it is stated that the client interface communicates data messages between a client program and the financial transaction, and also col 4, lines 4 and 5.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Elisca Pierre Eddy

Primary Patent Examiner

November 22, 2005